

# SHAW KELLER

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January 31, 2023

**BY CM/ECF & HAND DELIVERY**

The Honorable Maryellen Noreika  
U.S. District Court for the District of Delaware  
844 North King Street  
Wilmington, DE 19801

Re: *PureWick Corporation v. Sage Products, LLC*, C.A. No. 22-102-MN

Dear Judge Noreika:

This responds to the Court's oral order (D.I. 81).

PureWick believes that the plain and ordinary meaning of “reservoir,” as used in the asserted claims, is “a place where urine can collect.”<sup>1</sup> PureWick is not clear as to whether Sage intended anything different with its proposed construction of “a structure that aggregates urine.” As indicated in PureWick's January 27, 2023 letter, there does not appear to be a substantive difference between the words “aggregate” and “collect,” and the place where urine accumulates is plainly formed by a structure.

To the extent that Sage contends that its construction requires a separate structure, PureWick does not agree nor does it believe that it is consistent with the plain and ordinary meaning. If that is Sage's position, Sage should be required to specify this. Regardless, collateral estoppel nevertheless applies because requiring a separate structure would be narrower than the meaning of the term applied by the parties in the first case. *See Fairchild Semiconductor Corp. v. Power Integrations, Inc.*, No. CV 12-540-LPS, 2015 WL 1905871, at \*2 (D. Del. Apr. 23, 2015).

Respectfully submitted,

/s/ John W. Shaw

John W. Shaw (No. 3362)

cc: Clerk of Court (by CM/ECF & Hand Delivery)  
All Counsel of Record (by CM/ECF & email)

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<sup>1</sup> As noted in PureWick's January 27, 2023 letter, this is the meaning of the term that was applied by the parties in *PureWick I*. *See* D.I. 80. Further, Defendant asserts that its definition here is “consistent with PureWick's use of the term in *PureWick I*.” D.I. 77 at 3.